

SENATE—Wednesday, April 25, 2001

The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today, continuing Jewish Heritage Week, our prayer is taken from the Jewish Book of Service, Daily Prayers. Let us pray.

We gratefully acknowledge that You are the Eternal One, our God, and the God of our fathers evermore; the Rock of our life and the Shield of our salvation. You are He who exists to all ages. We will therefore render thanks unto You and declare Your praise for our lives, which are delivered into Your hand and for our souls, which are confided in Your care; for Your goodness, which is displayed to us daily; for Your wonders, and Your bounty, which are at all times given unto us. You are the most gracious, for Your mercies never fail. Evermore do we hope in You, O Lord our God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April, 25, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the State of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there

will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 10:15 a.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

The Senator from Nevada.

BROWNFIELDS

Mr. REID. Mr. President, today is a very joyous occasion in the Reid family. At 6:30 this morning, approximately, eastern time—3:30 Reno, NV, time—my tenth grandchild was born. Everyone is doing well. The little baby is 18 inches long—kind of short, really—and weighs 6 pounds 12 ounces. We are very happy for this little boy. He is the third son that my son has had.

I rise today thinking of my new grandson, and I want to discuss Earth Day and what having a good, clean environment means to my grandchildren. I am very concerned, having seen, even in my lifetime, the Earth change—and many times not for the better.

Earth Day is a time for reflecting on the progress of the last century and acting to protect our environment for generations and centuries to come. It is good that at least 1 day a year we focus on the Earth. We take it for granted. In the last 30 years, the country has taken major steps to achieve clean water, clean air, safe drinking water, hazardous waste cleanup, and reducing pollution across the board.

Take just one thing, clean water. Why do we have a Clean Water Act? We have a Clean Water Act because, for instance, in Ohio the Cuyahoga River kept catching fire. Mr. Nixon was President of the United States at that time. In a bipartisan effort to do something about the polluted waterways in America, Congress joined with the President to pass a Clean Water Act to prevent rivers catching fire.

We have made progress. We still have a lot of polluted water, but at the time that President Nixon recognized the need to do something, probably about 80 percent of our waterways were polluted. Now these many years later probably only about 30 percent of our waterways are polluted. If you fish the rivers and lakes around the United States, now you can actually eat the fish you catch. That is progress. But we have a lot more to do.

We need to clean up that extra 20 percent or 30 percent of the waterways that are polluted. We need to make sure we have safe drinking water so

someone can pick up a glass of water and drink it and know they are not going to get sick.

It is not that way around much of our country. And when we travel overseas, we usually take lots of water with us because in many parts of the world we cannot drink the water because it is polluted. In the United States, we are finding much more polluted water. There is lots of polluted water.

In my State of Nevada, we have naturally occurring arsenic in the water and we know that arsenic causes cancer. We need to do something about that.

Even though we have a long way to go, we should be justifiably proud of the progress we have made. We cannot afford to rest on past successes because millions of people are still breathing unhealthy air, drinking unsafe water, and are unable to swim or fish in many of our Nation's waterways.

As I have said before, there is still much that needs to be done. As the new century dawns, we face even more complex environmental and public health problems. These problems include persistent toxics. We have a new phenomenon and that is, because of our development of nuclear power and nuclear weapons, now we have areas that are polluted with things nuclear. On the Colorado River, we have 13,000 tons of uranium tailings. We need to clean those up because, of course, the Colorado River is a very important waterway in the western part of the United States. We have not provided money to do that. We need to do that. But that is a new threat to our environment.

We have new problems in addition to nuclear issues. We have global warming. We have the dangers of invasive species. For example, in the State of Nevada, we have very little water. It is arid. It is a desert. You could count the rivers in Nevada on the fingers of one hand. Some of those rivers are being very seriously threatened as a result of something called salt cedar or tamarisk, a plant brought in from Iran 100 years ago to stabilize the banks of streams, and it has just taken over everything. They are, frankly, very ugly. They use huge amounts of water. You cannot get rid of them. You can't burn them; you can't poison them; you can't snag them and pull them out. The only thing we found that might work is an insect that eats them, and we are working on that. The Department of Agriculture is working on a program to see if we can get rid of them that way. But these invasive species are all over America and we need to work on their eradication.

Fine air particles from fossil fuel use, land use changes, the need for thoughtful use of our land for housing, recreation, and transportation: these challenges require the energy and enthusiasm that marked the first Earth Day 30 years ago. But also we need a new level of sophistication and commitment.

I like President Bush. I think he is a very good man. I think he means well. From what has happened during the first 100 days of this administration dealing with the environment, I think he is getting bad advice from somebody.

I can't imagine a good man doing such things in the first few months of his administration. His Administrator of EPA gave a speech about the importance and dangers of global warming and about needing to do something about it and referred to the CO₂ contamination. Four days later, the administration cuts her legs out from under her and says they are going to delay implementation.

Greenhouse gas emission is a problem. This would have been the first tangible U.S. effort to address global warming, and we backed away from it.

Next, the administration proposed drilling on all public lands, including national wildlife refuges, national forests, national monuments, and other public lands. This was followed closely by a delay of the rules designed to protect 60 million acres of national forest from logging and roadbuilding. This "roadless rule" had been published after more than 600 public hearings and consideration of 1.6 million comments. It is not as if it was done in the dead of night.

Soon after that, the administration pulled back a long-awaited regulation lowering the standard of arsenic, a known human carcinogen, in our drinking water supplies. As early as 1962, the US Public Health Service recommended that the standard be lowered to 10 ppb. EPA held an extensive comment period on this rule, including more than 180 days of comment and holding stakeholder meetings beginning as early as 1997. There was a study by the National Science Foundation. Now the administration wants to re-study this issue and further delay the process of getting arsenic out of our drinking water. That is absolutely wrong.

Then, without any apparent regard for the economic, environmental or foreign relations consequences, the administration walked away from international climate change negotiations that were being conducted under a U.S.-ratified treaty. The administration also suspended the rule which requires companies getting federal dollars to be in compliance with federal laws, including environmental laws.

I was in a meeting with Senator BYRD and Senator HAGEL. We agreed, if

we are going to do something about this Kyoto treaty, on making sure the Third World nations are also brought into the picture. Senator BYRD said he had the intention of going forward with the discussion. We need to do something about global warming. He said that he is going on 84 years of age and he has been able to see in his lifetime the changes that have taken place in the environment.

This was not good for us. We walked away from this treaty.

And, without explanation, the administration withdrew draft plans for public access to information on potential catastrophic chemical accidents in neighborhoods around the country. These plans are more than a year late and their withdrawal suggests that the administration doesn't want the public to know about these dangers.

In April, the Bush administration weakened the new energy efficiency standards for water heaters and central air conditioners. Over the next 30 years, this change equals the total electricity used by all American households in one year. When electricity supplies are drastically low and high priced, as in California, does it make sense to increase electricity consumption rather than conserving? The answer is no. Similarly, does it make sense to drill in the Arctic National Wildlife Refuge for oil that will arrive years too late to address high gasoline prices this summer when fuel efficiency improvements would be quicker and longer lasting?

The budget proposal by the administration represents yet more bad news for the environment. The budget resolution which passed the Senate on a party line vote eliminates or underfunds environmental programs across a range of agencies, including cuts at EPA in clean water state revolving funds, estuary protection, beach protection, scientific research on clean air, and law enforcement personnel. These cuts would greatly undercut environmental protections, and the protection of public health.

The budget document, which was submitted to us later, among other things, calls for a 30-percent cut in alternative energy research on solar, geothermal, and wind. That is the wrong way to go. These cuts will greatly hurt environmental protection and the protection of public health. It also cuts vital environmental programs at the Department of the Interior, Department of Agriculture, and renewable energy programs at the Department of Energy. We can do better.

Mr. President, I repeat what I said on Monday and Tuesday. We did nothing here Monday. We did nothing yesterday. It appears we are going to do nothing today.

We have a bipartisan bill, the brownfields legislation, S. 350, entitled "The Brownfields Revitalization and

Environmental Restoration Act of 2001." We need to consider this bill. This is a bill that has 68 cosponsors. It is supported by the National Governors' Conference, realtors, environmentalists, businesses, and local governments. It is supported by a broad array of outside groups. I cannot imagine why we are not considering this bill. It was reported out of committee 15 to 3.

In addition to that, the problems that three Members had we resolved. I can't speak for all three, but I know Senator VOINOVICH had some problems. We worked those out.

This legislation is so important. We have 500,000 contaminated or abandoned sites in the United States waiting to be cleaned up. Private parties and communities need to be involved. We believe that these sites will create about 600,000 jobs nationally and increase annual tax revenues by \$2.4 billion. We need to move forward on this legislation. It will be good for urban America and rural America. I just can't imagine why we are not doing it.

The testimony on the bill supports moving quickly. Witnesses have called for the bill to move quickly.

For example, the witness for the Conference of Mayors testified, "the Nation's mayors believe that the time has come for bipartisan action on brownfields. We have waited a long time for final congressional action on brownfields legislation."

Another witness put it even more strongly: "Time is of the essence . . . We look forward to working with you toward timely, expeditious, hopefully almost immediate enactment."

I agree with these sentiments. Let us take up this bill and do what we were elected to do—pass good bills into law. This bill is good for the environment and good for jobs and there is neither need nor justification for any further delay.

We need to find a "green path" forward. We need to make sure we take the steps to protect the earth for our grandchildren, steps which include finalizing the numerous rules and enforcement cases which have been stopped mid-stream, rules which were developed over years and which provide critical protections for our environment.

We need to ensure that the public is informed about threats to their health and their environment. We need a safe and sustainable energy policy. We need steps to address the very real problem of climate change, we need a vision for conserving game and non-game species and their habitat, we need a commitment to reclaiming polluted industrial, agricultural and military sites and we need to make a fundamental investment in conservation that recognizes that we do not inherit the planet from our ancestors, but borrow it from our children.

These measures would be truly planting a tree to honor the Earth.

It is bipartisan. I really can't imagine why we are not considering this bill. We agreed to 2 hours on this side. I hope the majority will allow us to take the bill up immediately. It is good environmental legislation. It speaks for what Earth Day is all about.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I thank my colleague from Nevada for his inspirational work this morning. There is no one who cares more about the quality of the environment than Senator HARRY REID. I join with him in calling for taking up a brownfields bill. It would be good for my State and for all States in this Union. I very much appreciate his leadership on that critical subject.

QUALITY EDUCATION

Mr. BAYH. Mr. President, I rise this morning to address what I believe to be most important issue facing our country today; that is, improving the quality of education received by every child across this country. It will affect not only our future prosperity but the kind of Nation in which we live and the vibrancy of our very democracy.

I thank all colleagues who helped bring us to this historic point, starting with my friend and colleague, Senator JOE LIEBERMAN, with whom I have enjoyed working on this issue for the last several years; our colleagues on the other side of the aisle, Senator GREGG, Senator FRIST, Senator JEFFORDS, and others; and the Democratic members on the HELP Committee, Senator DODD and others, but principally Senator KENNEDY.

I want to say a special word about Senator KENNEDY this morning. His dedication to improving the quality of America's educational system is truly remarkable. He has proven himself to be not only principled but pragmatic. He fights for what he believes in, but he is not willing to sacrifice real progress for America's schoolchildren for the older ideological ideas. Without his hard work and dedication, we would not be where we are today.

I thank all of these leaders for bringing us to where we are. It has been a long road for me personally and a long road for many of us in this Chamber.

My thoughts go back to 1989, my first year as Governor, when President Bush called us to a national summit in the city of Charlottesville.

For only the third time in our Nation's history, all 50 Governors had gathered together to focus on a single subject. The first time was Teddy Roosevelt's focus on the issue of the environment. In this case, it was President Bush's first focus on the subject of education. We came out of that summit

dedicated to the standards and accountability movement, and we established the National Education Goals Panel, of which I was an initial member. I had the privilege of serving, in later years, as chairman.

From there I went on and had the privilege of serving as the chairman of the Education Commission of the States, a collection of State and local officials who work to improve the quality of our schools at the State and local levels.

Finally, I had the privilege of serving on the National Assessment of Educational Progress Board, the NAEP Board, trying to devise the very best assessments for our children, authentic assessments, that tell us more than if they can memorize rote knowledge, but instead whether they can think and reason and express themselves intelligently.

It has also been a long road for this Senate. I, again, thank Senator LIEBERMAN and my colleagues at the Progressive Policy Institute, who helped fashion the principles that lie at the heart of the bill we will soon take up. We stand on the precipice of historic progress saying that the status quo that leaves too many of our children behind is no longer good enough. The consequences of failure today are greater than ever before. We must do better. I believe we can.

During the campaign last year, I was very pleased when President Bush adopted many of the principles that lay at the heart of our bill. That was an important step in the right direction. I give him credit for that. I am proud that the thinking in my own caucus has evolved on many of these critical issues. So there has been a convergence of thought, and now a consensus exists on the part of most of us of what needs to be done to improve the quality of our local schools. The principles and the values are the same, even if occasionally we have differences of opinion about how to embrace those principles and give them full meaning in the context of education today.

We stand on the threshold of great progress, the most significant educational progress in a generation. Accountability lies at the heart of our agenda. We redefine the definition of "success." No longer will we define success for America's schoolchildren merely in terms of how much we spend, but instead we will define success in terms of how much our children learn.

There will be high academic standards and assessments to determine how every child is doing toward meeting those standards. Everyone in the process will be held responsible for making progress—every school, every school district, every State—each and every year.

For the first time, there will be real consequences—real consequences—for academic failure. In relation to some of

the new money dedicated to new administrative funding, if progress is not made, it will be reduced, because it only makes sense that if the funding is not achieving the progress for which it was intended, it should be redirected into ways which will achieve real progress.

For the first time, America's parents will be given an important choice. If your local school is not doing well enough for several successive years, you will be allowed to send your child to a better performing public school. You will begin to have an option of receiving supplemental services, additional instruction on top of that provided in your local school, to give your child the reading, writing, and scientific knowledge that your child will need to be successful in meeting the challenges of the 21st century.

We inject competition—true competition—into the system, embracing market forces for the innovation and additional accountability they can bring. We seek to achieve the best of both worlds, with charter schools, magnet schools, robust public school choice, but not withdrawing the important resources necessary to making our public schools flourish.

We avoid the false choices of those who say that the only way to improve the quality of education is to abandon our public schools, on the one hand, and, on the other hand, those who say the status quo is good enough and that the answer to the challenges facing America's schools is simply to add more money.

We embrace the notion of additional flexibility for our local schools and States. We cut through the redtape that too often has bogged us down at the Federal level. We only ask in return that our local schools and school districts give us additional progress for the flexibility that we provide.

We invest in professional development. Every study I have ever seen—I know the Presiding Officer has labored in these vineyards as a Governor, as did I—every study I have ever seen indicates the two most important variables in determining a child's academic success is, first, whether a parent is involved or engaged in that child's educational activities, making it a priority at the home; and, secondly, whether there is a well-prepared and highly motivated classroom professional teacher in that classroom, helping to provide the individual instruction every one of our children needs and every one of our children deserves.

These are the principles that lie at the heart of our bill: increased accountability for everyone; more competition in parental choice within the context of public education; more flexibility for our States and local school districts; and investing in professional development, to ensure that every classroom has a motivated, highly